



# TOWN OF KNIGHTDALE

## PLANNING DEPARTMENT

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### ORD #10-10-20-001

#### AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING EXEMPTIONS FOR CERTAIN FARMLANDS

WHEREAS, the Town of Knightdale has received a petition to amend the Unified Development Ordinance in regard to exemptions for certain farmlands; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.15 establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, the proposed zoning text changes comply with the goals of the Town's Comprehensive Plan because they are reasonable in that they advance the stated objectives of preserving the natural environment and preserving the local character of Knightdale by extending and expanding the same zoning exemptions granted by counties for active farmland which may assist farmers in maintaining their existence in an otherwise rapidly urbanizing environment; as well as being furthermore consistent with Comprehensive Plan's stated goals of maintaining a respect for the existing relationship between rural and urban Knightdale as well as providing for a vibrant and varied local economy;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina:

SECTION 1. That the Unified Development Ordinance of the Town of Knightdale Code be amended to read as follows (*editing notes in italics*):

#### **Section 1.5 Required Conformance to Knightdale UDO Provisions**

- A. Conformance In General:** Except as otherwise specifically provided in the Knightdale UDO, no land shall be subdivided and/or no land or building shall hereafter be used or occupied; no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development; no infrastructure shall be constructed or installed; and no building, or part thereof, shall be constructed, erected, altered, or moved, except in compliance with all of the applicable provisions of the Knightdale UDO.
- B. Certain Farmland Exempt:** Any tract of land that meets the following requirements shall be exempt from the provisions of this ordinance:

1. is at least three (3) acres in size under common ownership;

2. is used for dairying, the raising of agricultural products, the raising of horticultural products, timbering and silviculture, the raising of livestock or poultry; or houses facilities for the sale of onsite-produced products; and
3. has generated at least an average of \$1,000 in annual farm sales over the most recent three (3) year period.

Timbering and silviculture operations are not exempt from the provisions and potential penalties of Section 8.2D.

This exemption does not apply to swine farms as defined in N.C.G.S. §106-802.

## **Chapter 19**

**Agribusiness 2.3C(6)a:** These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be described as farms, bona fide farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. Therefore, agribusiness does not include agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use. Said establishments are classified under the relevant institutional or research and development categories. Agribusiness also does not include swine farms as defined in N.C.G.S. §106-802. See Section 1.5B and Section 8.2D for agribusiness related exemptions (*LBCS F9000 and S8000*).

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

SECTION 5. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code.

SECTION 6. That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 20<sup>th</sup> day of October, 2010.

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James M. Chalk, Mayor Pro Tem

ATTEST:

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Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

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Clyde Holt, III; Town Attorney